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## FACSIMILE TRANSMITTAL SHEET

**TO:** Examiner Charles A. Marmor, II - Group Art Unit 3736

**FIRM/COMPANY:** Mail Stop Amendment / USPTO

**FACSIMILE NUMBER:** 703.872.9306

**CONFIRMATION  
TELEPHONE:** 703.305.3521

**FROM:** Anne Marie Leavy for Edward J. Lynch

**DIRECT DIAL:** 415.371.2231

**DATE:** December 28, 2004

**USER NUMBER:** 5121

**FILE NUMBER:** Atty Docket No. R0367-00202, USSN 10/004,987

**TOTAL # OF PAGES:** 20  
(INCLUDING COVERSHEET)

**MESSAGE:** Attached is an *Amendment in Response to Office Action Mailed 10/01/2004 and Terminal Disclaimer (by Attorney)*.

NOTE: Original will not follow

CONFIDENTIALITY NOTICE

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SF63649.1

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Burbank, et al.

For: METHODS AND APPARATUS FOR  
SECURING MEDICAL INSTRUMENTS TO  
DESIRED LOCATIONS IN A PATIENT'S  
BODY

Serial No.: 10/004,987

Filed: December 4, 2001

Atty. Docket No.: R0367-00202

) Examiner: Charles A. Marmor, II

) Group Art Unit: 3736

) TRANSMITTAL

CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that these papers are being sent by facsimile to Examiner Charles A. Marmor, II (703) 872-9306, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 28, 2004, in San Francisco, CA.

Anne Marie Leavy

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

- Transmitted herewith for filing in the above-identified patent application is an Amendment and Response to Office Action Mailed 10/01/2004 and Terminal Disclaimer (by Attorney).
- Claim Fee Calculation  
☒ No additional claim fee is required.  
☐ Amendment increases number of claims or multiple dependencies.

**Additional Claims Fee Calculation**

Description	Fees Code	Claims	Extra	Rate	Fee
Independent Claims	2201	10 - 12 =	0 x	\$100=	\$ 0
Total Claims	2202	38 - 41 =	0 x	\$25=	\$ 0

Additional Claims Fee \$ 0

- Additional fees: Terminal Disclaimer fee under 37 CFR 1.20(d).....\$55

- Payment of Fees

☒ Enclosed is a check for the total fees due in the amount of \_\_\_\_\_.  
☒ The Commissioner is authorized to charge any fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0368-00202.

By:

Edward J. Lynch  
Registration No. 24,422

Duane Morris LLP  
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San Francisco, CA 94105  
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By: \_\_\_\_\_

Edward J. Lynch  
Registration No. 24,422

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Examiner: Charles A. Marmor, II

Group Art Unit: 3736

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SECURING MEDICAL INSTRUMENTS  
TO DESIRED LOCATIONS IN A  
PATIENT'S BODY****TERMINAL DISCLAIM (BY  
ATTORNEY)**

Serial No.: 10/004,987

Filed: December 4, 2001

Atty. Docket No.: R0367-00202

## CERTIFICATE OF MAILING PURSUANT TO 37 CFR 1.8

I hereby certify that this these papers are being sent by facsimile to (703) 472-9306 addressed to Examiner Charles A. Marmor, II,  
at Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 12/28/04, in San Francisco, CA.By: Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Edward J. Lynch, am an attorney representing the Assignee, SenoRx, Inc.  
(SenoRx). The assignee is the registered owner of all right, title and interest in and to  
the above-identified application.

The terminal portion of any patent which is granted on the above-identified  
application which would extend beyond the expiration date of the full statutory term of  
U.S. Patent Nos. 6,312,429; 6,540,693; 6,540,695; 6,638,234; 6,679,851; and  
6,716,179 is hereby disclaimed on behalf of SenoRx.

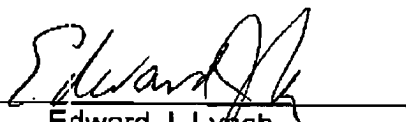
It is hereby agreed that any patent granted on the above-identified application  
shall be enforceable only for and during such period that the legal title to any patent  
granted on the above-identified application shall be the same as the legal title to the

above referenced U.S. Patents. This agreement shall run with any patent granted on the above-identified application and shall be binding upon the grantor, its successors or assigns.

No disclaimer is hereby made on any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of the above referenced U.S. Patents in the event that these patents later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), have all claims cancelled by a reexamination certificate, or are otherwise terminated prior to the expiration of their statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully Submitted,

By:

  
Edward J. Lynch  
Registration No. 24,422  
Attorney for Applicants

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